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Docket No. FERR-3800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas B. Ferrara

Group Art Unit: 3617

Filed: 3/18/2004

Examiner: Vasudeva, Ajay

Serial No.: 10/803,378

Title: **FLOATATION APPARATUS AND METHOD**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**RESTRICTION ELECTION, SPECIES ELECTION, AND PRELIMINARY
AMENDMENT**

This paper is being filed in response to the Restriction mailed August 4, 2005, and includes a preliminary amendment.

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RESTRICTION ELECTION

Applicant hereby provisionally elects Group I, claims 1-29, drawn to a floatation apparatus, classified in Class 441, subclass 40. This election is made with traverse, and Applicants hereby reserve the right to file a divisional application in connection with unelected claims 30-40, drawn to a method of using a portable floatation apparatus.

With regard to the Restriction Requirement, Applicants respectfully submit that the subject matter of all claims 1-40 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, Applicants respectfully submit that the search and the examination of the entire application could be made without serious burden. See MPEP § 803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits." Applicants respectfully submit that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

RESPONSE TO RESTRICTION WITH SPECIES ELECTION

In response to the species restriction requirement, Applicants hereby provisionally elect the Species: Figure 1, with traverse. It is respectfully submitted that the search and examination of the species of the entire application could be made without serious burden. See MPEP §803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits" (emphasis added). It is respectfully submitted that this policy should apply to the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Claims 1-27 and 29 read on the elected species. Claim 1-27 and 29 are generic.